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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,275	10/26/2001	Kambiz Afkhami	CNS2001-001	9998
7590	02/23/2005		EXAMINER	
Robert H. Frantz P.O. Box 23324 Oklahoma City, OK 73123			PATEL, DHAIRYA A	
		ART UNIT	PAPER NUMBER	
		2151		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,275	AFKHAMI ET AL.	
	Examiner Dhairya A Patel	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) 5-14 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application # 10/014,275 was 10/26/2001. Claims 1-15 are subject to examination.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 6-15 respectively been renumbered 5-14 respectively. The claims in this application are misnumbered. Therefore claims 6-15 respectively are renumbered 5-14 respectively and this is renumbering is used in examination of this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 5,12 teach, "...administration link comprises I²C link". It is unclear to the examiner as to definition of the I²C link. The examiner interpreted the link is used for low bandwidth communication.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4,6-11,13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Karpoff et al. U.S. Patent Publication # 2001/0049740 (hereinafter Karpoff).

As per claim 1, Karpoff teaches an Internet server appliance platform for providing a configurable integrated suite of processing resources and content delivery capabilities supporting continuous data flow demands as well as bursty demands, said server platform comprising:

-at least one administration module having a first external network interface (Fig. 7 element 10 or "FEN"), a first internal network interface (Fig. 7 element 100), a first administration processor (Paragraph 106 lines 1-5), and a first data switch(Fig. 7 element 18) (Fig. 12A), said first data switch providing data switching between said first

internal and first external networks, to and from said first administration processor
(Paragraph 100 lines 1-9)(Paragraph 106 lines 1-5);

The reference teaches a client on FEN network which is an external network and so since the client is already connected to the network it has connected using network interface. The reference also teaches controller device (data switch) provides data switch between the client (external network) and the server (internal network) from the processor.

-a plurality of blade devices (Fig 12 A) communicably interconnected to said first data switch (Fig. 12A element 18) via said first internal network, each blade device adapted to exclusively provide either processing functionality or storage functionality thereby enabling a flexible ratio of processing-to-storage units to be realized in a system configuration (Fig. 12 A)(Paragraph 100); and

The reference teaches the controller device (blade device Fig. 12A) provide storage functionality which is interconnected with the data switch (Fig. 12A element 18)

-at least one administration link disposed between said first administration processor and said blade devices for support of software control, configuration and maintenance operations (Paragraph 106 lines 1-22).

The reference teaches controller device (blade device) includes a processor and the controller device is for accelerate operations, compression, assorted data (software control, configuration and maintenance operations).

As per claim 2, Karpoff teaches the system as set forth in claim 1 wherein said first data switch comprises an Ethernet switch and said first internal network is an

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Ethernet bus (Paragraph 96 lines 1-6) (Paragraph 103 lines 1-5)(Paragraph 104 lines 1-8).

The reference teaches switch is used to communicate with the network therefore one of the network being an internal network is an Ethernet bus therefore the switch is also set to work as an Ethernet switch.

As per claim 3, Karpoff teaches the system as set forth in claim 1 wherein said first data switch comprises an InfiniBand switch and said first internal network is an InfiniBand bus (Fig. 4A, 4B) (Paragraph 87 lines 1-20).

The reference teaches Infiniband network in which the switch comprises an Infiniband switch and first internal network is an Infiniband bus since the network is an Infiniband network.

As per claim 4, Karpoff teaches the system as set forth in claim 1 wherein each blade which provides exclusively processing functionality is adapted to provide signal processing functionality coupled with general purpose processing functionality (Paragraph 124) (Paragraph 125)

The reference teaches controller device (blade) receives the request from the client (exclusively processing functionality) and then the controller device sends a notification message (signal processing functionality) to the appropriate controller device that is responsible for streaming the data to the client.

As per claim 6, Karpoff teaches the system as set forth in claim 1 further comprising a local data storage bus (Fig. 11) disposed between pairs of said blades (Fig. 12A element 120) (Fig. 11 element 120) such that each blade is interfaced to only

one other blade thereby providing for direct communications between processing blades and storage blades (Paragraph 110)(Paragraph 111).

The reference teaches the controller device (blades) communicates with other blade (interfaced with other blade) by providing direct communications between the blades.

As per claim 7, Karpoff teaches the system as set forth in claim 1 further comprising:

-a second, redundant administration module having a second external network interface (Fig. 10 element "FEN" or element 10), a second internal network interface (Fig. 10 element 100 and element 141), a second administration module, and a second data switch (Fig 10 element 18), said second data switch providing data switching between said second internal and second external networks, to and from said second administration processor (Paragraph 100 lines 1-9)(Paragraph 106 lines 1-5);

The reference teaches a second data switch which can be used to connect to second external network interface and internal network interface and provide data switching from the second internal and external networks to and from second processor similar to the functions of the first external and internal network and first data switch but a second administration module is redundant but it can be created by using the second data switch (Fig. 10 element 18).

-a plurality of blade devices (Fig 12 A) communicably interconnected to said first data switch (Fig. 1 element 18) via said first internal network, and further communicably interconnected (Fig. 9 element 141) to said second data switch (Fig. 1 element 18) via

said second internal network, each blade device adapted to exclusively provide either processing functionality or storage functionality thereby enabling a flexible ratio of processing-to-storage units to be realized in a system configuration (Fig. 12 A)(Paragraph 100); and

The reference teaches the controller device (blade device Fig. 12A) provide storage functionality which is interconnected with the data switch (Fig. 12A element 18) -at least one additional administration link disposed between said second administration processor and said blade devices for support of software control, configuration and maintenance operations (Paragraph 106 lines 1-22).

The reference teaches controller device (blade device) includes a processor and the controller device is for accelerate operations, compression, assorted data (software control, configuration and maintenance operations).

As per claim 11, Karpoff teaches the method as set forth in claim 8 wherein said step of providing a plurality of blade devices comprises providing blade devices which are adapted to execute signal processing software on digital signal microprocessor hardware coupled with executing general purpose software on general purpose microprocessing hardware (Paragraph 124) (Paragraph 125)(Paragraph 106).

The reference teaches controller devices (blades) receive the request from the client and then the controller device sends a notification message (signal processing) to the appropriate controller device that is responsible for streaming the data to the client. The controller device comprises digital signal microprocessor hardware, which is used for data supporting processing (general purpose).

As per claims 8-10,13-14 teaches same limitations as claims 1-3,6-7 therefore rejected under same basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5,12 rejected under 35 U.S.C. 103(a) as being unpatentable over Karpoff et al. U.S. Patent Publication # 2001/0049740 in view of King et al. U.S. Patent # 5,983,366 (hereinafter King).

As per claims 5,12 Karpoff teaches the system as set forth in claim 1 but is silent on teaching said administration link comprises an I²C link. King teaches the system as set forth in claim 1 wherein said administration link comprises an I²C link. (column 16 lines 39-47). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Karpoff's invention in king's invention to come up with an I²C link. The motivation for doing so would have been to use the link for low bandwidth communication (column 16 lines 39-47).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and System for providing Multimedia information on demand over wide area network" by Karpoff et al. U.S. Patent Publication # 2001/0049740

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B). "Data processing system having monitoring of software activity" by King et al.
U.S. Patent 5,983,366

7. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairy A Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER